IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6923 OF 2006

Mukhtar Ahmed Haji Noor Mohd. & Others. .. Petitioners.
Vs.
V.C.Abdul Quadir & Others .. Respondents.

Mr.R.M.Haridas for the petitioners.
Mr.N.R.Bubna for respondent no.1.

CORAM : D.B.BHOSALE, J.

DATED : 17TH OCTOBER, 2006

P.C.:

. Heard learned counsel for the petitioners and respondent no.1.

2. Rule, returnable forthwith. By consent of the parties taken up for the final hearing. Mr.Bubna, learned counsel waives service for respondent no.1.

3. The petitioners' application under Order 6 Rule 17 seeking amendment of the written statement has been rejected by the order impugned in the present writ petition. I perused the order. The learned Judge has not discussed at all in the order as to whether the amendment sought by the petitioners-defendants was necessary for the purpose of determining the real questions in controversy

between the parties. He has just proceeded to discuss as to whether the application deserves to be allowed at the stage at which it was filed. I perused the amendment as also the other material placed before me. The learned counsel for the parties fairly stated that I need not record the detailed reasons for allowing this writ petition and they have agreed for the following order:

. The order dated 2.9.2006, impugned in the present writ petition, is quashed and set aside. The application at Exhibit-101 filed under Order 6 Rule 17 of the CPC stands allowed. The petitioners to carry out amendment within two weeks from the date of receipt of this order. It is open for the respondents to seek re-examination of their witnesses, if any, after the amendment is carried out by the petitioners. If such prayer is made by the respondents, same may be allowed. The trial Court shall endeavour to dispose of the suit as expeditiously as possible and preferrably within a period of eight months from the date of receipt of this order.

. Rule is, accordingly, disposed of in the aforesaid terms. No costs.

(D.B.Bhosale, J.)